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23493 7590 05/07/2007 SUGHRUE MION, PLLC 401 Castro Street, Ste 220 Mountain View, CA 94041-2007			EXAMINER LE, MIRANDA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2006 has been entered.

2. This communication is responsive to Amendment filed 02/06/2006.

Claims 1-2, 7-22 are pending in this application. This action is made non-Final.

### ***Priority***

3. The Applicant's claim to domestic priority under 35 U.S.C. §119 (e), as a provisional of application serial number 60/208,394, filed on 30 May 2000, and provisional of application serial numbers 60/228,519, filed on 28 August 2000, is acknowledged.

### ***Response to Amendment***

4. The *revised affidavit* filed on 12/29/2006 under 37 CFR 1.131 is sufficient to overcome the Blaser reference.

***Response to Arguments***

5. The rejection of claims 1-2, 7-18, 21-22 under 35 USC 102(e) under Blaser, and the rejection of claims 19, 20 under 35 USC 103(a) as being unpatentable over Blaser in view of Philyaw have been withdrawn as the revised Declaration Under 37 C.F.R § 1.131 is effective to overcome the Blaser reference (US Patent No. 6,757,661 B1).

Applicant's arguments with respect to claims 1, 2, 7-22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 7-18, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Perkins (US Patent No. 7,072,888).

Perkins anticipated independent claims 1, 2, 21, 22 by the following:

**As per claim 1**, Perkins teaches a method of retrieving information from one or more information sources in a search space, said method comprising:

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providing central program code at a central computer (*i.e. search engine 133, Fig. 3*); said central program code being adapted for maintaining (*i.e. updates an existing record in the database, col. 7, lines 24-30*) a central database of data records (*i.e. database 134, Fig. 3*), for accessing the information from said information sources (*i.e. resources 137, Fig. 3*), and for comparing said data records with said information from said information sources (*i.e. means for calculating relevancy 135, Fig. 3*) (*col. 4, lines 20-33*);

recognizing communication between said central program code and remote program code at least one remote terminal (*i.e. computer 131, Fig. 3*); said remote program code being adapted for monitoring user activity (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*) of at least one user, for collecting monitored data related to said user activity (*i.e. recording user searches and user rankings of returned resources, col. 7, lines 20-23*), and for transmitting said monitored data to said central program code (*i.e. When a user submits a query to the search engine (FIG. 1, 104), the search engine either adds a new record to the table (FIG. 1, 105, 106), or updates an existing record in the database (FIG. 1, 105, 107). This is accomplished by the script that processes the user query and returns to the user a list of resources that match the query, col. 7, lines 24-30*) (*col. 4, lines 20-33*);

supplementing, at said central computer, said data records in accordance with said monitored data to provide an augmented central database (*i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information*

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*pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67);*

responsive to a request for information from said at least one user, identifying candidate response information for said information sources at said central computer (*i.e. The process of recording searches and correspondent rankings, col. 4, lines 26-33*);

comparing (*i.e. The means of identifying the elements of the profile that are relevant, col. 4, lines 26-33*) contents of said augmented central database with said request and with said candidate response information at said central computer (*i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33*);

as a result of said identifying and said comparing, transmitting, to said remote program code at said at least one remote terminal (*i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33*), data concerning one or more of said information sources which contain information relevant to said request so as to progressively tailor information retrieval results for said at least one user (*i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22*) and provide said information retrieval results to said at least one user (*i.e. returns to the user a list of resources that match the query, col. 7, lines 24-30*) (*col. 4, lines 20-33*).

**As per claim 2**, Perkins teaches an information retrieval system for accumulation and retrieval of data related to one or more information sources in a search space, said system comprising:

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remote program code at least one remote terminal (*i.e. computer 131, Fig. 3*); said remote program code being adapted for monitoring user activity (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*) of at least one user, for collecting monitored data related to said user activity and to each of said information sources accessed by said at least one user (*i.e. recording user searches and user rankings of returned resources, col. 7, lines 20-23*), and for transmitting said monitored data (*i.e. When a user submits a query to the search engine (FIG. 1, 104), the search engine either adds a new record to the table (FIG. 1, 105, 106), or updates an existing record in the database (FIG. 1, 105, 107). This is accomplished by the script that processes the user query and returns to the user a list of resources that match the query, col. 7, lines 24-30*) (*col. 4, lines 20-33*);

a central computer having central program code receiving said monitored data transmitted from said remote program code (*i.e. search engine 133, Fig. 3*); said central program code being adapted for maintaining (*i.e. updates an existing record in the database, col. 7, lines 24-30*) a central database of data records (*i.e. database 134, Fig. 3*), for accessing the information from said information sources (*i.e. resources 137, Fig. 3*), and for comparing said data records with said information from said information sources (*i.e. means for calculating relevancy 135, Fig. 3*) (*col. 4, lines 20-33*);

wherein said central program code supplements said data records in accordance with said monitored data to provide an augmented central database (*i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information*

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*pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67),*

said central computer identifying candidate response information for said information sources in response to a request for information from said at least one user, *(i.e. The process of recording searches and correspondent rankings, col. 4, lines 26-33),* comparing *(i.e. The means of identifying the elements of the profile that are relevant, col. 4, lines 26-33)* contents of said augmented central database with said request and with said candidate response information *(i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33),* and transmitting, to said remote program code at said at least one remote terminal *(i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33),* data concerning one or more of said information sources which contain information relevant to said request so as to progressively tailor information retrieval results for said at least one user *(i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22)* and provide said information retrieval results to said at least one user *(i.e. returns to the user a list of resources that match the query, col. 7, lines 24-30) (col. 4, lines 20-33).*

**As per claim 21,** Perkins teaches a method of retrieving information from one or more information sources in a search space, said method comprising:

providing central program code at a central computer *(i.e. search engine 133, Fig. 3);* said central program code being adapted for maintaining *(i.e. updates an existing record in the database, col. 7, lines 24-30)* a central database of data records *(i.e.*



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*database 134, Fig. 3), for accessing the information from said information sources (i.e. resources 137, Fig. 3), and for comparing said data records with said information from said information sources (i.e. means for calculating relevancy 135, Fig. 3) (col. 4, lines 20-33);*

recognizing communication between said central program code and remote program code at each of a plurality of remote terminals (*i.e. computer 131, Fig. 3*); said remote program code being adapted for monitoring user activity (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*) of each of a plurality of users (*i.e. The algorithm disclosed below examines each field in the profiles of each user that has rated the resource as "good" in response to a particular query, col. 10, lines 13-47*), for collecting monitored data related to said information retrieval activity (*i.e. recording user searches and user rankings of returned resources, col. 7, lines 20-23*), and for transmitting said monitored data to said central program code (*i.e. When a user submits a query to the search engine (FIG. 1, 104), the search engine either adds a new record to the table (FIG. 1, 105, 106), or updates an existing record in the database (FIG. 1, 105, 107). This is accomplished by the script that processes the user query and returns to the user a list of resources that match the query, col. 7, lines 24-30*) (*col. 4, lines 20-33*);

supplementing, at said central computer, said data records in accordance with said monitored data to provide an augmented central database (*i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information*

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*pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67);*

responsive to a request for information from said at least one user, identifying candidate response information from said information sources at said central computer *(i.e. The process of recording searches and correspondent rankings, col. 4, lines 26-33);*

comparing *(i.e. The means of identifying the elements of the profile that are relevant, col. 4, lines 26-33)* contents of said augmented central database with said request and with said candidate response information at said central computer *(i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33);* and

as a result of said identifying and said comparing, transmitting, to said remote program code at at least one of said remote terminals *(i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33)*, data concerning one or more of said information sources which contain information relevant to said request so as to progressively tailor information retrieval results for at least one user *(i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22)* and provide said information retrieval results to said at least one user *(i.e. returns to the user a list of resources that match the query, col. 7, lines 24-30) (col. 4, lines 20-33);*

**As per claim 22,** Perkins teaches an information retrieval system for accumulation and retrieval of data related to one or more information sources in a search space, said system comprising:

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remote program code at each of a plurality of remote terminal (*i.e. computer 131, Fig. 3*); said remote program code being adapted for monitoring user activity (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*) of a plurality of users, for collecting monitored data related to said user activity and to each of said information sources accessed by said at least one user (*i.e. recording user searches and user rankings of returned resources, col. 7, lines 20-23*), and for transmitting said monitored data (*i.e. When a user submits a query to the search engine (FIG. 1, 104), the search engine either adds a new record to the table (FIG. 1, 105, 106), or updates an existing record in the database (FIG. 1, 105, 107). This is accomplished by the script that processes the user query and returns to the user a list of resources that match the query, col. 7, lines 24-30*) (*col. 4, lines 20-33*); and

a central computer having central program code receiving said monitored data transmitted from said remote program code (*i.e. search engine 133, Fig. 3*); said central program code being adapted for maintaining (*i.e. updates an existing record in the database, col. 7, lines 24-30*) a central database of data records (*i.e. database 134, Fig. 3*), for accessing the information from said information sources (*i.e. resources 137, Fig. 3*), and for comparing said data records with said information from said information sources (*i.e. means for calculating relevancy 135, Fig. 3*) (*col. 4, lines 20-33*);

wherein said central program code supplements said data records in accordance with said monitored data to provide an augmented central database (*i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information*

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*pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67);*

said central computer identifying candidate response information from said information sources in response to a request for information from said at least one user, *(i.e. The process of recording searches and correspondent rankings, col. 4, lines 26-33)*, comparing *(i.e. The means of identifying the elements of the profile that are relevant, col. 4, lines 26-33)* contents of said augmented central database with said request and with said candidate response information *(i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33)*, and transmitting, to said remote program code at at least one of plurality of remote terminals *(i.e. The means of calculating and delivering the appropriate list of results, col. 4, lines 26-33)*, data concerning one or more of said information sources which contain information relevant to said request so as to progressively tailor information retrieval results for at least one user *(i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22)* and provide said information retrieval results to said at least one user *(i.e. returns to the user a list of resources that match the query, col. 7, lines 24-30) (col. 4, lines 20-33).*

**As to claims 7, 13,** Perkins teaches said monitored data comprise implicit data, including data selected from the group consisting of queries and actions taken after receiving responses to said queries, said implicit data being added iteratively to said central database to form said augmented central database so as to progressively tailor information retrieval results *(i.e. Search engine scripts use the Table of Profiles to tailor*

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*search results to individual search engine users, col. 5, lines 11-22) for said at least one user based on said implicit data (i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67).*

**As to claims 8, 9,** Perkins teaches said monitored data comprise explicit data, including user input in response to one or more queries from said central computer, said user input including data selected from the group consisting of user profile information and user feedback concerning information retrieval results (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*), said explicit data being added iteratively to said central database to from said augmented central database so as to progressively tailor information retrieval results (*i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22*) for said at least one user based on said explicit data (*i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67*).

As per claim 10, Perkins teaches said remote program code is adapted for monitoring user activity of a plurality of users at a respective plurality of remote terminals (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*), for collecting said monitored data related to said user activity and to one of said information sources accessed by each of said plurality of remote terminals, and for transmitting said monitored to said central program code (*i.e. When a user submits a query to the search engine (FIG. 1, 104), the search engine either adds a new record to the table (FIG. 1, 105, 106), or updates an existing record in the database (FIG. 1, 105, 107). This is accomplished by the script that processes the user query and returns to the user a list of resources that match the query, col. 7, lines 24-30*) (*col. 4, lines 20-33*);

said supplementing comprises supplementing said data records based on said user activity at said plurality of remote terminals to provide said augmented central database (*i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67*); and

said transmitting to said remoter program code comprises progressively tailoring said information retrieval results for said at least one user based on said user activity at said plurality of remote terminals (*i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22*).

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**As to claims 11, 17,** Perkins teaches said monitored data includes a plurality of user profiles, and wherein said central computer groups contents of said augmented central database based on said plurality of user profiles so as to tailor said information retrieval results for said at least one user based on ones of said plurality of user profiles most closely matching a user profile of said at least one user (*i.e. As the Table of Good Profiles for a particular query increases in size, the search engine can determine with more certainty which fields in the user profiles of those users who have rated the resource highly for this query are relevant to the query. The algorithm disclosed below examines each field in the profiles of each user that has rated the resource as "good" in response to a particular query. If a particular field's values match across a sufficient percentage (e.g. 80%) of all user profiles, that field is marked as a Relevant Field, col. 10, lines 13-47).*

**As to claims 12, 18,** Perkins teaches said information retrieval results include an identity of at least one other user with whom said at least one user then can communicate to obtain further information (*i.e. As the Table of Good Profiles for a particular query increases in size, the search engine can determine with more certainty which fields in the user profiles of those users who have rated the resource highly for this query are relevant to the query. The algorithm disclosed below examines each field in the profiles of each user that has rated the resource as "good" in response to a particular query. If a particular field's values match across a sufficient percentage (e.g. 80%) of all user profiles, that field is marked as a Relevant Field, col. 10, lines 13-47).*

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As to claims 14, 15, Perkins teaches said monitored data comprise explicit data, including user input in response to one or more queries from said central computer, said user input including data selected from the group consisting of user profile information and user feedback concerning information retrieval results (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*), said explicit data being added iteratively to said central database to form said augmented central database so as to progressively tailor information retrieval results (*i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22*) for said at least one user based on said explicit data (*i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67*).

As per claim 10, Perkins teaches said remote program code is adapted for monitoring user activity of a plurality of users at a respective plurality of remote terminals (*i.e. It achieves this by using user feedback as a methodology for calculating relevancy, col. 13, lines 4-24*), for collecting said monitored data related to said user activity and to one of said information sources accessed by each of said plurality of remote terminals, and for transmitting said monitored to said central program code (*i.e. When a user submits a query to the search engine (FIG. 1, 104), the search engine either adds a new record to the table (FIG. 1, 105, 106), or updates an existing record in the*



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*database (FIG. 1, 105, 107). This is accomplished by the script that processes the user query and returns to the user a list of resources that match the query, col. 7, lines 24-30) (col. 4, lines 20-33);*

said supplementing comprises supplementing said data records based on said user activity at said plurality of remote terminals to provide said augmented central database *(i.e. The above record may be augmented with the following fields to provide more data to the search engine so that the search engine's scripts can propose a list of resources of more relevance to a specific user. For example, the record may contain personal and/or business information pertaining to the user. However, other fields may be implemented as well, col. 5, lines 64-67); and*

said central computer progressively tailors said information retrieval results for said at least one user based on said network activity at said plurality of remote terminals *(i.e. Search engine scripts use the Table of Profiles to tailor search results to individual search engine users, col. 5, lines 11-22)*

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

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commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins (US Patent No. 7,072,888), in view of Cameron et al. (US Patent No. 6,202,062).

**As to claims 19, 20**, Perkins does not specifically teach said search space comprises the Internet, and media programming comprising at least one of television programming and radio programming, so that at least one user can access said media programming as a result of said information retrieval results.

Cameron teaches said search space comprises the Internet, and media programming comprising at least one of television programming and radio programming, so that at least one user can access said media programming as a result of said information retrieval results (*i.e. Consumers will be able to gain access to services from devices such as their televisions 1740, col. 42, lines 7-27*).

It would have been obvious to one of ordinary skill of the art having the teaching of Perkins and Cameron at the time the invention was made to modify the system of Perkins to include the limitations as taught by Cameron.

One of ordinary skill in the art would be motivated to make this combination in order to able to offer customized, personalized services to consumers in view of Cameron, as doing so would give the added benefit of providing a system assists in obtaining information from an article of interest and utilizes the information to take user directed action based on the information from the target article as taught by Cameron (*col. 1, line 59 to col. 2, line 8*).

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
May 02, 2007